

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSHUA DOUGLAS BORNEMEIER,

Defendant.

4:18-CR-3029

AMENDED PRELIMINARY
ORDER OF FORFEITURE

This matter is before the Court on the government's Motion for Preliminary Order of Forfeiture ([filing 37](#)). Count I of the indictment in this case ([filing 1](#)) charged the defendant with knowingly and intentionally distributing methamphetamine in violation of [21 U.S.C. §§ 841\(a\)\(1\) and \(b\)\(1\)](#). The indictment also contained a forfeiture allegation seeking the forfeiture, pursuant to [21 U.S.C. § 853](#), of money seized from the defendant on or around February 2, 2018 on the basis that it was used or was intended to be used to facilitate the violation alleged in Count I. [Filing 1](#). The defendant was informed at his change of plea hearing that the forfeiture allegation included \$9,260.00 in United States currency. [Filing 38 at 12](#). Since then, it has been learned that \$100 of that sum was counterfeit. *See* [filing 41](#).

The defendant has pled guilty to Count I of the indictment and admitted the forfeiture allegation. *See* [filing 38 at 12](#); [filing 38 at 23](#). By virtue of pleading guilty to the charge and admitting the forfeiture allegation, the defendant has forfeited his interest in the subject property, and the government should be entitled to possession of the property pursuant to [21 U.S.C. § 853](#). Therefore, the government's Motion for Preliminary Order of Forfeiture is granted.

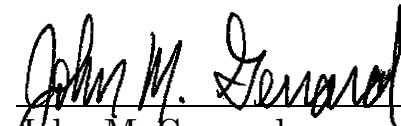
IT IS ORDERED:

1. The government's Motion for Preliminary Order of Forfeiture ([filing 37](#)) is granted.
2. The government's Motion to Amend Preliminary Order of Forfeiture ([filing 41](#)) is granted.
3. Based upon the defendant's guilty plea and admission of the forfeiture allegation of the indictment, the government is authorized to seize the \$9,160.00 in United States currency.
4. The defendant's interest in the subject property is forfeited to the government for disposition in accordance with law, subject to the provisions of [21 U.S.C. § 853](#).
5. The subject property is to be held by the government in its secure custody and control.
6. Pursuant to [21 U.S.C. § 853\(n\)\(1\)](#), the government shall publish for at least 30 consecutive days on an official Internet government forfeiture site (www.forfeiture.gov) notice of this order, notice of publication evidencing the government's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the property must file a petition with the Court within 30 days of the final publication of notice or of receipt of actual notice, whichever is earlier.

7. Such published notice shall state that the petition referred to in paragraph 5, above, shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the property and any additional facts supporting the petitioner's claim and relief sought.
8. The government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property as a substitute for published notice as to those persons so notified.
9. Upon adjudication of all third-party interests, this Court will enter a final order of forfeiture pursuant to [21 U.S.C. § 853\(n\)](#), in which all interests will be addressed.

Dated this 3rd day of December, 2018.

BY THE COURT:



John M. Gerrard
Chief United States District Judge